

OGC 70-1535

4 September 1970

MEMORANDUM FOR: Special Support Assistant to the Deputy
Director for Support

SUBJECT: Creditability of Annual Training Tours of
Reservists for Social Security Purposes

1. The attached letter from HEW dated 16 July 1970 is correct in all respects. However, it does not address itself to training tours subsequent to 1 January 1957.

2. Section 217(a) refers to free social security credit for military service during the so-called World War II service period and, additionally, for the free credit during the subsequent period referred to as post-World War II service. During these two periods active duty of less than 90 days is not considered active service and, consequently, social security credit is not available for the annual two-week training tours.

3. Beginning 1 January 1957, active service required social security contributions and, thus, social security credit. The law specifically refers to active duty for training to be covered by social security. Thus, since January of 1957, the annual two-week training tours of reservists have required social security contributions and is creditable for social security purposes.

4. Let me caution you that there are many other aspects of the Social Security Act which are not covered in this memorandum and there should be no interpretations or applications of what is said above except the principal point that current active duty tours are creditable for social security purposes.

s/t/ John S. Warner

JOHN S. WARNER

Deputy General Counsel

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Social Security Administration

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Social Security Office
8113 Fenton Street
Silver Spring, Md. 20910

July 16, 1970

Section 217 of the Social Security Act provides that a veteran may receive free credit for social security purposes for active military service for the period from September 16, 1940 through July 24, 1947, WWII service; and from July 25, 1947 through December 31, 1956, post WWII service, provided:

- He was discharged or released from active service under conditions other than dishonorable, either
- a. after active service of 90 days or more or
 - b. after less than 90 days by reason of a disability or injury incurred or aggravated in service in line of duty.

If a veteran meets the above condition, he may receive wage credits at the rate of \$160.00 a month provided no Federal agency, other than the Veterans Administration, uses the same service in either period in determining that a periodic benefit is payable. However, if an individual had covered military service after 1956, he may receive credit for any service after 1950 and before 1957 even though he receives a payment based in whole or in part from the following agencies: Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service.

A short period of active duty for training purposes limited to less than 90 days is not considered active service within the meaning of Sections 217(a) and (e) of the Social Security Act, and wage credits may not be granted.

Sincerely yours,

s/t/ J. Straughan

(Mrs.) J. Straughan

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